58. (new) The stent of claim 54, wherein said stent has a compressed first diameter of between approximately 6 mm to 10 mm and a second non-compressed diameter of between approximately 12 mm and 18 mm.

Support for added claims 54 through 58 can be found in the specification as originally filed, e.g., at original claims 15 through 19.

59. (new) The stent of claim 46, wherein the stent is a urethral stent.

Support for added claim 59 can be found in the specification as originally filed, e.g., at page 3, lines 7-10.

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60. (new) The stent of claim 46, wherein the stent comprises a blend of homopolymers in a ratio of between approximately 50:50 to 70:30.

Cont

Support for added claim 60 can be found in the specification as originally filed, e.g., at claim 36, now canceled.

REMARKS

The remarks below respond to the Office Action mailed February 26, 2003.

Claims 1-19 are pending in the application. Claims 1-7 and 15-19 are withdrawn from consideration.

With this response, claims 8-12 have been amended. Claims 46-60 are added. Claims 8-14 and 46-60 remain for consideration.

A check in the amount of $36.00 is included for the additional claims. This is the total fee believed to be due at present. Should any additional fee be required, please deduct such fee from Deposit Account No. 50-1775 and notify the undersigned of the same.

Reconsideration and allowance of the claims, as amended, and in light of the following remarks, are respectfully requested.

Rejection Under 35 U.S.C. 103

Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over primary references to Stack (WO 91/17789) or Murayama (WO 00/44306), each alternatively in view of a secondary reference to Haverkost (WO 00/00105).

The rejection is traversed, or in the alternative is overcome by amendment.

The rejection, as presented, is traversed, *inter alia*, because two of the cited patent documents are not prior art against the pending claims. The present application is a division of application No. 09/324,743, filed June 3, 1999. The cited Murayama document, WO 00/44306, was published on August 3, 2000. The cited Haverkost document, WO 00/00105, was published on January 6, 2000. The priority date of the present application (June 3, 1999) is before the publication of both of these documents. As such, neither the Murayama publication nor the Haverkost publication is prior art to the present claims.

Murayama Combined With Haverkost

The Office action rejects Applicants' claims 8-14 based on the Murayama document in combination with Haverkost.

The rejection is traversed as described above, because the present application was filed prior to publication of both of the Murayama and Haverkost documents.

Alternatively, the rejection is overcome by amendment to claim 8. Claim 8 is amended to recite a stent comprising a blend of homopolymers (as also indicated in added claim 46, upon which claim 8 now depends).

The Murayama document, by itself, even if it were available as prior art, fails to teach or suggest the claimed stents, comprising a blend of homopolymers. The Murayama reference discusses stents made using "at least one polymer selected from" "polyglycolic acid, poly-glycolic acid/poly-L-lactic acid copolymers, polycaprolactive, polyhydroxybutyrate/hydroxyvalerate copolymers, poly-L-lactide, [p]olydioxanone, polycarbonates, and polyanhydrides." This general description and list of polymers, including co-polymers, does not specifically teach or suggest the use of a blend of

homopolymers in a bioresorbable stent, from among the list of different polymeric materials shown.

The Haverkost document, even if it were available as prior art, fails to remedy the shortcomings of the Murayama reference. The Haverkost document, like the Murayama document, fails to suggest the specific use of a blend of homopolymers, as claimed, in a bioresorbable stent. The Haverkost document, e.g., at the paragraph bridging pages 7 and 8, includes a general description of materials said to be useful to make an elongated member of an endoprosthesis. The materials include a variety of metal alloys, "drawn filled tubing," and varieties of biocompatible plastic and bioabsorbable polymer. This general description and list of alloys, polymers, and co-polymers, does not specifically teach or suggest the use of a blend of homopolymers in a bioresorbable stent.

Overall, the cited Murayama and Haverkost documents, alone or in combination, fail to specifically teach or otherwise suggest the subject matter of the pending claims, relating to a stent that includes a blend of homopolymers. It is requested that the rejection of the pending claims be withdrawn.

Stack Combined With Haverkost

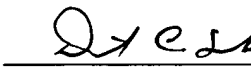
As shown above, the published Haverkost document is not prior art against Applicants' claims. Thus, the cited Haverkost document cannot be combined with the Stack reference as a basis to reject Applicants' claims even if the Haverkost document were prior art, Applicants' claims, as amended, are neither taught nor suggested by the combination of the Stack reference with the Haverkost document. The Stack reference, by itself, fails to teach or suggest the stents as claimed, comprising a blend of homopolymers. The Stack reference discusses stents made, among many other polymeric materials, using polymers such as poly-L-lactide and copolymers of L-lactide with DL-lactide or D-lactide or glycolide, as well as homopolymers of beta-hydroxybutyric acid and its copolymers with other beta-hydroxy aliphatic acids. (See, e.g., Stack at page 17, line 32 through page 18, line 34.) Also discussed are polyamides, polyanhydrides and their copolymers, and polyorthoesters (specifically including copolymers). This general description and list of polymers, including co-polymers, does not specifically teach or suggest the use of a blend of homopolymers in a bioresorbable stent.

The Haverkost document, even if it were available as prior art, fails to remedy this shortcoming of the Stack reference. The Haverkost document, e.g., at the paragraph bridging pages 7 and 8, includes a general description of materials said to be useful to make an elongated member of an endoprosthesis. The materials include a variety of metal alloys, "drawn filled tubing," and varieties of biocompatible plastic and bioabsorbable polymer. This general description and list of alloys, polymers, and co-polymers, does not specifically teach or suggest the use of a blend of homopolymers in a bioresorbable stent.

Overall, the cited Stack and Haverkost documents, alone or in combination, fail to specifically teach or otherwise suggest the subject matter of the pending claims, relating to a bioresorbable stent that includes a blend of homopolymers. It is requested that the rejection of the pending claims be withdrawn.

The Examiner is invited to contact the undersigned, at the Examiner's convenience, should the Examiner have any questions regarding this communication or the present patent application.

Respectfully Submitted,

By: 

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